

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 345

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1002A, IDAHO CODE, AS ADDED BY SECTION 6 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO FRACTIONAL DAILY ATTENDANCE; AMENDING SECTION 33-1004, IDAHO CODE, AS AMENDED IN SECTION 7 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO STAFF ALLOWANCES AND FUNDED POSITIONS; AMENDING SECTION 33-1004A, IDAHO CODE, AS AMENDED IN SECTION 8 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO THE EDUCATION PORTION OF THE EXPERIENCE AND EDUCATION MULTIPLIER TABLE; AMENDING SECTION 33-1004E, IDAHO CODE, AS AMENDED IN SECTION 9 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO CERTAIN STAFF SALARIES; AMENDING SECTION 33-1020, IDAHO CODE, AS AMENDED IN SECTION 11 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO IDAHO DIGITAL LEARNING ACADEMY FUNDING; AMENDING SECTION 33-1021, IDAHO CODE, AS ADDED BY SECTION 12 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO THE DISTRIBUTION OF MONEYS FOR CERTAIN MATH AND SCIENCE COURSES; AMENDING SECTION 33-1626, IDAHO CODE, AS ADDED BY SECTION 14 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO DUAL CREDIT; AMENDING SECTION 33-5216, IDAHO CODE, AS ADDED BY SECTION 16 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO PUBLIC POSTSECONDARY INSTITUTIONS AND CERTAIN PUBLIC CHARTER HIGH SCHOOLS; AMENDING SECTION 19 OF SENATE BILL NO. 1184, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO REVISE PROVISIONS RELATING TO THE DECLARATION OF AN EMERGENCY AND EFFECTIVE DATES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1002A, Idaho Code, as added by Section 6 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1002A. FRACTIONAL AVERAGE DAILY ATTENDANCE. (1) Beginning in fiscal year 2013, ~~f~~For students attending school in more than one (1) school district or public charter school, or who are enrolled in one (1) or more online courses in which the student's home school district or public charter

1 school is not the content provider, attendance shall be counted and divided
 2 based on the portion of the student's daily attendance time that is spent in
 3 attendance at each school district, public charter school or online course.

4 This provision shall not apply to:

5 (a) An online course in which the school district or public charter
 6 school has a contract in place for the provision of online courses.

7 (b) Any online course which causes the total number of courses in which
 8 a student is enrolled to exceed the maximum number of periods of in-
 9 struction offered at the school in which the student is enrolled. If a
 10 student is enrolled in multiple online courses and one (1) or more on-
 11 line course falls within this limitation and one (1) or more fall beyond
 12 it, then the most expensive courses shall be subject to fractional aver-
 13 age daily attendance. School districts and public charter schools may
 14 choose to pay for any online courses that fall beyond the limitation of
 15 this paragraph, at their discretion. The parents or guardians of stu-
 16 dents shall be responsible for paying the cost of any online courses in
 17 which the student is enrolled beyond the limitation of this paragraph,
 18 unless such cost has been paid by the student's school district or pub-
 19 lic charter school. A student's home school district or public charter
 20 school shall notify the student's parent or guardian at the time of reg-
 21 istration if any online courses in which the student is enrolling exceed
 22 the maximum provided in this paragraph.

23 (2) For online courses subject to fractional counting and division, the
 24 average daily attendance shall be counted and funded as part of the student's
 25 home school district or public charter school attendance. However, the
 26 state department of education shall identify the fraction attributable to
 27 such attendance for each student and furnish the home school district or pub-
 28 lic charter school with a dollar amount of funding attributable to each such
 29 fraction. The home school district or public charter school shall then remit
 30 two-thirds (2/3) of such amount to each online course content provider.

31 (3) For the purposes of this section and section 33-1627, Idaho Code,
 32 the term "online course" means a course which delivers a sequential program
 33 of synchronous and/or asynchronous instruction primarily through the use of
 34 technology, in which the instructor is not physically located at the school
 35 or place in which the student is receiving instruction. Nothing in this def-
 36 inition shall prohibit a blended course that includes face-to-face, in per-
 37 son instruction, provided that a majority of the instruction is delivered as
 38 stated herein.

39 SECTION 2. That Section 33-1004, Idaho Code, as amended in Section 7 of
 40 Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-
 41 first Idaho Legislature, be, and the same is hereby amended to read as fol-
 42 lows:

43 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance
 44 shall be determined as follows:

45 (1) Using the daily attendance reports that have been submitted for
 46 computing the February 15 apportionment of state funds as provided in sec-
 47 tion 33-1009, Idaho Code, determine the total support units for the district
 48 in the manner provided in section 33-1002 (6) (a), Idaho Code;

1 (2) Determine the instructional staff allowance by multiplying the
2 support units by 1.1. A district must demonstrate that it actually employs
3 the number of certificated instructional staff allowed, except as provided
4 in subsection (5) (f), (g) and (h) of this section. If the district does not
5 employ the number allowed, the staff allowance shall be reduced to the actual
6 number employed, except as provided in subsection (5) (f), (g) and (h) of this
7 section;

8 (3) Determine the administrative staff allowance by multiplying the
9 support units by .075;

10 (4) Determine the classified staff allowance by multiplying the sup-
11 port units by .375;

12 (5) Additional conditions governing staff allowance:

13 (a) In determining the number of staff in subsections (2), (3) and (4)
14 of this section, a district may contract separately for services to be
15 rendered by nondistrict employees and such employees may be counted
16 in the staff allowance. A "nondistrict employee" means a person for
17 whom the school district does not pay the employer's obligations for
18 employee benefits. When a district contracts for the services of a
19 nondistrict employee, only the salary portion of the contract shall be
20 allowable for computations.

21 (b) If there are circumstances preventing eligible use of staff al-
22 lowance to which a district is entitled as provided in subsections (2)
23 and (3) of this section, an appeal may be filed with the state depart-
24 ment of education outlining the reasons and proposed alternative use of
25 these funds, and a waiver may be granted.

26 (c) For any district with less than forty (40) support units:

27 (i) The instructional staff allowance shall be calculated
28 applying the actual number of support units. If the actual in-
29 structional staff employed in the school year is greater than the
30 instructional staff allowance, then the instructional staff al-
31 lowance shall be increased by one-half (1/2) staff allowance; and

32 (ii) The administrative staff allowance shall be calculated ap-
33 plying the actual number of support units. If the actual adminis-
34 trative staff employed in the school year is greater than the ad-
35 ministrative staff allowance, then the administrative staff al-
36 lowance shall be increased by one-half (1/2) staff allowance.

37 (iii) Additionally, for any district with less than twenty (20)
38 support units, the instructional staff allowance shall be calcu-
39 lated applying the actual number of support units. If the number
40 of instructional staff employed in the school year is greater than
41 the instructional staff allowance, the staff allowance shall be
42 increased as provided in paragraphs (i) and (ii) of this subsec-
43 tion, and by an additional one-half (1/2) instructional staff al-
44 lowance.

45 (d) For any school district with one (1) or more separate secondary
46 schools serving grades nine (9) through twelve (12), the instructional
47 staff allowance shall be increased by two (2) additional instructional
48 staff allowances for each such separate secondary school.

49 (e) Only instructional, administrative and classified personnel
50 compensated by the school district from the general maintenance and

operation fund of the district shall be included in the calculation of staff allowance or in any other calculations based upon staff, including determination of the experience and education multiplier, the reporting requirements, or the district's salary-based apportionment calculation. No food service staff or transportation staff shall be included in the staff allowance.

(f) A district may utilize up to fifteen percent (15%) of the moneys associated with positions funded pursuant to subsection (2) of this section to pay another school district or public charter school for instructional services or to defray the cost of providing virtual education coursework, including virtual dual credit coursework, without a reduction in the number of funded positions being imposed.

(g) For the period July 1, 2009, through June 30, 2011, only, a district may shift up to five percent (5%) of the positions funded pursuant to subsection (2) of this section to federal funds, without a reduction in the number of funded positions being imposed.

(h) A district may employ fewer positions than funded pursuant to subsection (2) of this section, without a reduction in the number of funded positions being imposed, subject to the following limits on the percent of such positions that may be reduced:

Fiscal Year	Percentage
2012	6 7%
2013	8 9.5%
2014 and each fiscal year thereafter	10 1%

(6) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

SECTION 3. That Section 33-1004A, Idaho Code, as amended in Section 8 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

	MA				MA + 12	MA + 24	MA + 36
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260

		MA						
		MA + 12		MA + 24		MA + 36		
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR	
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710	
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220	
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980	
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990	
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260	

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, minus two (2); provided however, that the experience factor cannot be less than zero (0).

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Provided however, that successful completion of a state-approved mathematical thinking for instruction course shall be counted as transcribed credit. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education factor. For the time period July 1, 2010, through June 30, 2011, instructional and administrative staff shall not advance on the education portion of the multiplier table.

In determining the statewide average multiplier for instructional staff, no multiplier in excess of 1.59092 shall be used. If the actual statewide average multiplier for instructional staff, as determined by this section, exceeds 1.59092, then each school district's instructional staff multiplier shall be multiplied by the result of 1.59092 divided by the actual statewide average multiplier for instructional staff.

In determining the statewide average multiplier for administrative staff, no multiplier in excess of 1.86643 shall be used. If the actual statewide average multiplier for administrative staff, as determined by this section, exceeds 1.86643, then each school district's administrative staff multiplier shall be multiplied by the result of 1.86643 divided by the actual statewide average multiplier for administrative staff.

SECTION 4. That Section 33-1004E, Idaho Code, as amended in Section 9 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. The district instructional staff index shall be multiplied by the instructional base salary of \$23,565. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than \$29,655 for fiscal year 2011, or \$30,000 thereafter. The resulting amount is the district's salary-based apportionment for instructional staff. After the base and minimum salaries established pursuant to this subsection have reached the amounts that were in effect in fiscal year 2009, all further increases to these base and minimum salaries shall be allocated such that the percentage increase in the minimum salary is one and one-half (1.5) times the percentage increase in the base salary.

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. The district administrative staff index shall be multiplied by the base salary of \$32,441. The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(3), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

3. To determine the apportionment for classified staff, multiply \$19,041 by the district classified staff allowance determined as provided in section 33-1004(4), Idaho Code. The amount so determined is the district's apportionment for classified staff.

4. The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections 1., 2. and 3., of this section, adjusted by the following percentages:

Fiscal Year	Percentage
2012	(1.67%)
2013	(4.05%)

1	Fiscal Year	Percentage
2	2014	(6.30%)
3	2015	(6.42%)
4	2016	(6.21%)
5	2017 and each fiscal year thereafter	(5.74%)

6 plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

7 SECTION 5. That Section 33-1020, Idaho Code, as amended in Section 11 of
8 Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-
9 first Idaho Legislature, be, and the same is hereby amended to read as fol-
10 lows:

11 33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING. Of the moneys appro-
12 priated for the educational support program, an amount shall be distributed
13 to support the Idaho digital learning academy, created pursuant to chapter
14 55, title 33, Idaho Code. For the purposes of this section, an "enrollment"
15 shall be counted each time an Idaho school age child enrolls in an Idaho dig-
16 ital learning academy class. A single child enrolled in multiple classes
17 shall count as multiple enrollments. Summer enrollments shall be included
18 in the fiscal year that begins that summer. The amount distributed shall be
19 calculated as follows:

20 (1) A fixed base amount shall be distributed, equal to the current fis-
21 cal year's statewide average salary-based apportionment funding per midterm
22 support unit, multiplied by seven (7).

23 (2) A variable base amount shall be distributed each time the number
24 of enrollments meets or exceeds an increment of five thousand (5,000). The
25 amount so distributed shall be equal to the number of such increments, mul-
26 tiplied by the current fiscal year's statewide average salary-based appor-
27 tionment funding per midterm support unit, multiplied by four and thirty-
28 three hundredths (4.33).

29 (3) A variable amount shall be distributed, equal to the number of en-
30 rollments multiplied by the current fiscal year's statewide average salary-
31 based apportionment funding per midterm support unit, divided by one hundred
32 forty-three (143). This subsection shall be null and void and of no force and
33 effect on and after July 1, 2012.

34 (4) If the revenue received by the Idaho digital learning academy pur-
35 suant to this section, section 33-1002A, Idaho Code, and any contracts with
36 school districts or public charter schools, is less than \$3,500,000 in fis-
37 cal year 2013 or fiscal year 2014, then the moneys distributed to the Idaho
38 digital learning academy pursuant to this section shall be increased by the
39 amount necessary to ensure that the total dollars received by the Idaho digi-
40 tal learning academy from all such sources is equal to \$3,500,000 for each of
41 the stated fiscal years.

42 The state department of education shall make an estimated distribu-
43 tion of funds to the Idaho digital learning academy by no later than July
44 31 of each fiscal year, consisting of eighty percent (80%) of the estimated
45 funding for the fiscal year. The balance of all remaining funds to be dis-

tributed, pursuant to the calculations in this section, shall be distributed by no later than May 15 of the same fiscal year.

SECTION 6. That Section 33-1021, Idaho Code, as added by Section 12 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1021. MATH AND SCIENCE REQUIREMENT. In order to meet state graduation requirements regarding math and science courses, moneys shall be distributed to school districts to defray the cost of providing additional math and science courses beginning in fiscal year 2012. Moneys so distributed shall be used to hire additional high school math and science teachers or to defray costs associated with providing math and science courses to high school students. Moneys shall be distributed to school districts from the moneys appropriated to the educational support program for each regular high school, not including alternative schools, based on the following criteria:

(1) For each school with enrollment of 99 or less, distribute the equivalent of one ninth (1/9) of a classified staff position.

(2) For each school with enrollment of 100 to 159, distribute the equivalent of one and one-quarter (1.25) of a classified staff position.

(3) For each school with enrollment of 160 to 319, distribute the equivalent of two sevenths (2/7) of a classified staff position.

(4) For each school with enrollment of 320 to 639, distribute the equivalent of one (1.0) instructional staff position, based on the statewide average funding per position.

(5) For each school with enrollment of 640 or more, distribute the equivalent of one (1.0) instructional staff position, based on the statewide average funding per position, and three-quarters (0.75) of a classified staff position.

For the purposes of these school size classifications for regular high schools that serve only grades 10-12, ninth grade students who will attend the regular high school upon matriculating to tenth grade shall be included as enrolled in the regular high school.

SECTION 7. That Section 33-1626, Idaho Code, as added by Section 14 of Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1626. DUAL CREDIT FOR EARLY COMPLETERS. Students completing all state high school graduation requirements, except the senior project, by no later than the start of the twelfth grade, beginning with the 2011-2012 school year, shall be eligible for up to thirty-six (36) postsecondary credits of dual credit courses during their twelfth grade year. Average daily attendance shall be counted as normal for such twelfth grade students for public school funding purposes. In addition, the state department of education shall distribute funds from the moneys appropriated for the educational support program to defray the per credit cost charged for such dual credit courses by accredited postsecondary institutions. The amount so distributed shall not exceed seventy-five dollars (\$75.00) per credit hour.

1 SECTION 8. That Section 33-5216, Idaho Code, as added by Section 16 of
 2 Senate Bill No. 1184, as enacted by the First Regular Session of the Sixty-
 3 first Idaho Legislature, be, and the same is hereby amended to read as fol-
 4 lows:

5 33-5216. PUBLIC POSTSECONDARY INSTITUTIONS -- PUBLIC CHARTER HIGH
 6 SCHOOLS. (1) Any public postsecondary institution located in this state is
 7 hereby authorized to operate a public charter high school in Idaho. The pro-
 8 visions of chapter 52, title 33, Idaho Code, shall apply to each such public
 9 charter high school in the same manner and to the same extent as the provi-
 10 sions of charter school law apply to other public charter schools, with the
 11 exception of certain conditions and applications as specifically provided
 12 in this section.

13 (2) With the consent of the state board of education, a public postsec-
 14 ondary institution may petition to establish a public charter high school
 15 to the public charter school commission or to the local board of trustees.
 16 ~~Any provision or reference to the public charter school commission found in~~
 17 ~~chapter 52, title 33, Idaho Code, shall mean, for the purposes of this sec-~~
 18 ~~tion, the state board of education.~~

19 (3) The president or chief executive officer of such postsecondary in-
 20 stitution, or his designee(s), shall serve as the board of trustees of any
 21 public charter high school opened for educational instruction pursuant to
 22 this section.

23 (4) For the purposes of this section, the term "high school" means a
 24 school serving any grades from ninth grade or higher.

25 SECTION 9. That Section 19 of Senate Bill No. 1184, as enacted by the
 26 First Regular Session of the Sixty-first Idaho Legislature, be, and the same
 27 is hereby amended to read as follows:

28 SECTION 19. ~~Sections 1, 2, 3, 4, 7, 8, 9, 12, 13, 14, 15, 16, 17 and 18 of~~
 29 ~~this act shall be in full force and effect on and after July 1, 2011. Sections~~
 30 ~~5, 6, 10 and 11 of this act shall be in full force and effect on and after July~~
 31 ~~1, 2012. An emergency existing therefor, which emergency is hereby declared~~
 32 ~~to exist, all sections of this act, except Section 5, shall be in full force~~
 33 ~~and effect on and after passage and approval. Section 5 of this act shall be~~
 34 ~~in full force and effect one (1) day following the date of such passage and~~
 35 ~~approval.~~

36 SECTION 10. SEVERABILITY. The provisions of this act are hereby de-
 37 clared to be severable and if any provision of this act or the application
 38 of such provision to any person or circumstance is declared invalid for any
 39 reason, such declaration shall not affect the validity of the remaining por-
 40 tions of this act.

41 SECTION 11. An emergency existing therefor, which emergency is hereby
 42 declared to exist, this act shall be in full force and effect on and after its
 43 passage and approval.